

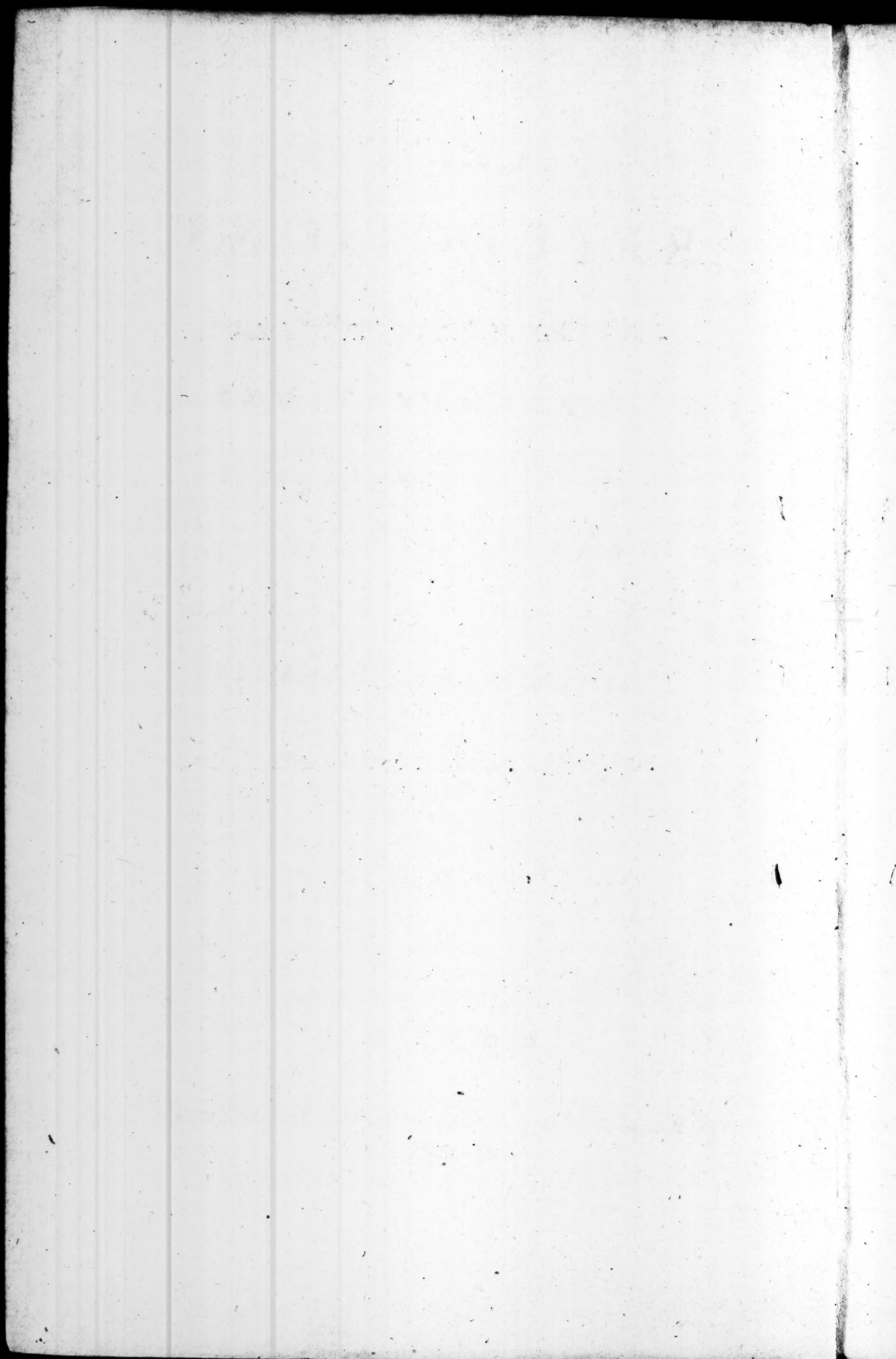


S E R I O U S

REFLECTIONS, &c.



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S E R I O U S
REFLECTIONS

Upon some late important

DETERMINATIONS

I N A

CERTAIN ASSEMBLY.

ADDRESSED TO A LATE PREMIER.

L O N D O N :

Printed and sold by T. EVANS, No. 54, Paternoster-row.
M,DCC,LXX.

T O

H I S G——

The D—— of G——.

MY LORD,

THERE is a certain situation of distress, in which a m——r of this country, thro' negligence and inattention, or by a perverseness of disposition, may involve himself; when his judgment will no longer be permitted to direct or conduct his will. This case arises, whenever a minister is weak enough to listen to any terms of accommodation with men whose principles are, not only repugnant to, but incompatible with the very existence of his own.—The means, my L——d, which are most commonly productive of this fatal calamity, too frequently commence by attempts to seduce him from his natural and firmest friends, by large offers of supporting his most

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favourite

favourite measures, tho' in opposition to their own. Unable to resist the flattering bait, he yeilds to their persuasive allurements; and, for some time perhaps his credulity is imposed upon, and his vanity prompts him to believe the sincerity of their professions. At length, however, they let drop the mask, when lo! to his utter confusion he finds himself the dupe and slave of others; and, to complete his misery, he discovers likewise that his case is without remedy.

Without arrogating to myself too great a share of sagacity or penetration, I think, my L——d, I might venture to draw a small parallel between your G—ce's situation in the now reigning a——n, and the case already described. I shall, however, for the present, decline so unpleasant a task.—It suffices for my purpose at this time to remind your G—ce, that several measures, which have of late been adopted, and carried into execution, are totally inconsistent with those principles which distinguished the most honourable æra of your life. Among the rest, I must crave your indulgence, my L——d, whilst I tender to your consideration some serious reflections

lections upon two questions, lately the objects of p——y contemplation, which I will venture to assert, are more important in their natures, and more alarming in their consequences, than any two questions that have been agitated in this country for some centuries past.—I mean, my L—d, those novel doctrines lately established, the one in defence of that strange passion in ad——n for calling forth the military for the most trifling causes, in aid of the civil power; and the other, in support of privileges in the h—— of C——, in direct opposition to the, *hitherto conceived*, fundamental rights of the people.

To begin with the first :—You could not with any shew of justice, my L—d, and therefore you ventured not to defend such a measure upon those principles which constitute the character of a whig, and of which you formerly professed yourself a zealous supporter. Your sagacity soon discovered the impropriety of having recourse to such weapons of defence as were likely to prove most fatal to your G—ce's own character. They were, I confess, my L—d, very judiciously laid
aside ;

aside ; and, in lieu thereof, your c—t dependants were instructed to hold forth, and expatiate in all companies upon the absolute necessity of the measure, in order to control that licentiousness among the common people, which was grown too predominant to be in any other manner restrained.

Had this doctrine been confined, my L—d, to the precincts only of the c—t, I should have thought it unworthy the engagement, even of my idlest hour, to have attempted its refutation. But when I regard the industry of your G—ce's emissaries, in daily propagating this infectious poison abroad ; when I observe the subtilty with which this epidemical evil makes its way into the minds of the most moderate and well-meaning characters, I cannot withstand that natural impulse within me, which urges to resist an evil of so pernicious an aspect, and of so alarming a tendency.

It is a maxim established of old, by the wisdom of our ancestors, and ever since generally admitted, without reluctance, by their successors, in all ages, That it is far preferable to endure certain disorders in the constitution than to attempt their
removal

removal by expedients more likely to destroy than to reform. This maxim alone, my L—d, ought of itself to have checked every inclination whatever in your G—ce, towards affording the least countenance to so pernicious a measure. Woeful experience, however, has given testimony to the contrary; we have seen every species of sophistical refinement introduced in support of this same measure, and to perplex the true merits of the case. Every ingenious argument has been broached to confound the distinction between the civil and military powers, but which, to my poor comprehension, and indeed I believe no less to your G—ce's, are as destitute of reason, as they are pregnant with mischief.

It is pretended my L—d, that as military force is never called forth but by order of the civil power, and that when called forth never acts, but under the immediate direction and command of the civil magistrate, it becomes, under such circumstances, blended with the civil authority, and is thereby deprived of its military function. —The futility of this species of logick need not, I am persuaded, be explained to your G—ce's understanding: for you cannot, my Lord, be so ignorant,

ignorant, as not to comprehend, that there is a most material distinction, between that aid which is afforded the magistrate by a posse of the country, and that which is granted by a body of regular troops. It cannot be unknown to your Grace, although no martinet, that since the establishment of the mutiny bill, soldiers are ever obliged to obey the orders of their commanding officers, without daring even to examine their ends or tendency, or they become amenable to a court martial, where they are sure to be punished for every disobedience of orders. Sensible of this necessity, they must, and ever will implicitly obey the injunctions of their commander, be they legal or not, or be liable to punishment from the military power, although their conduct in a civil capacity should be found warranted by the known law of the land.

With the people, your Grace cannot but know, that the case is far otherwise. They are not compellable by any orders of the civil magistrate, which are contrary to law, or wherein he has grossly exceeded his authority. On the contrary, they well know, that their resistance
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is lawful against all unlawful acts of his power. They therefore can, and take my word for it, my L—d, they ever will resist any unjustifiable tyranny of the civil power. If, for such resistance, they should be brought to a trial, they know well the grounds upon which they stand; they have the comfort of reflecting, that they cannot be punished for refusing their aid to illegal oppression.

Is the case of the soldiery, then, distinct from that of the people, or is it not, my L—d? — I appeal for once to your G—ce's own justice. — Is not the soldier, surrounded by such embarrassments, more likely to lend his assistance towards the support of tyranny in the magistrate, than the people? and is not this right of refusal in the people to obey any illegal commands of the civil power, a grand constitutional check upon the magistrate, to confine him within the limits of his authority? — These are questions not wholly unworthy your G—ce's notice.

So sensible were our ancestors, my L—d, of this distinction, that I am warranted to assert,
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their permission to the magistrate, of calling upon the aid of the military, was granted, evidently, with the utmost reluctance, and then only in cases of the most extreme necessity. That necessity they had experienced; they had seen mobs, well armed, and too formidable to be encountered by the civil power.—Desperate diseases require desperate remedies. They were obliged to submit to the necessity of military assistance in all such cases.—They never however meant, that armed troops should be called forth, upon every idle emergency, and against a heedless and defenceless rabble.

I am no friend to mobs, my L—d; on the contrary, I have already publicly avowed my detestation of such measures, as have of late been practised by some artful incendiaries, to infuse a spirit of licentiousness into the common people. Fomenters of such dissolute principles, whatever approbation they may receive from their adherents, or applauses from the giddy multitude, must ever be held in contempt by all sober and good men. I hope I have not, as yet, forfeited all title to the one, or the other character. I love,
however,

however, the laws of my country, and entertain a great veneration for the constitution thereof. I cannot, therefore, submit to a silence, which, in my own opinion, would bear the ignominious construction of my tacit acquiescence with measures which are by no means warranted by that constitution. This consideration, actuated, as it is, by some zeal for the public welfare, will, I hope, plead some apology with your G—ce for this trespass upon your time and patience.

I have neither private resentment nor party views to gratify by this address: my motives are truly disinterested; and if from these reflections your G—ce should derive the least benefit whereby you may divert the dangers which threaten no less your own future happiness, than the safety of the constitution, my labour will be amply rewarded. — I say your own future happiness, my L—d, for it is deeply concerned.

The time may perhaps arrive, when it will be incumbent upon your G—ce to explain, why the civil power, which in former times has been found sufficient of itself, without the assistance of

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the gentlemen of the army, to quell such general tumults as arise amongst the vulgar, is now fallen so low, as to have lost even the shadow of authority.——There is unquestionably a grand fault somewhere.—Armed as the civil power is, with the severest laws against riots, where the penalty of being concerned in any tumultuous meetings is death, without benefit of clergy, their obstinate continuance must be ascribed to other causes, than a defect in the constitution. Those causes remain to be explained.

It is a most fatal error in politicks, my L—d, to suppose, that a free people can ever be brought tamely to submit to any violent abuses of power, from magistrates of their own creation, or that those, who gave birth to power, will ever be content with a total exclusion from it. Such gross oppressions must ever be productive of general discontent: and general discontent will, as invariably, beget tumults among the common people. Such will be the event, my L—d, so long as men shall continue to possess the feelings of men—when magistrates presume to stretch their power into violence, and injury, the people will

will undoubtedly seek their redress: it is the natural progress of liberty my L—d, and the inevitable consequence of all popular governments.

In such cases, the cause of their discontent must be removed, ere the effects will cease; the rigour must be abated, or the people will continue to be tumultuous; you may shoot them by dozens, if you please my L—d, but unless the injury is alleviated they will never be content.

It is an observation sanctified by experience, that tumults, among the people, are, in general, rather a sign of want of wisdom and justice in g——t, than of power. For once, however, I will admit the error of this doctrine: I will suppose that the people are invariably in the wrong: even then, my L—d, humanity will exact from your G—ce a reason, why proper pains are not first taken to correct, by fair means, their mistakes, ere recourse be had to such violent methods as carry death and destruction along with them.

Upon

Upon the most dispassionate review of those tumults which have of late prevailed in and near our metropolis, my L—d, their causes considered together, with the measures which were taken to suppress them, I cannot, I own, discover that any such lenitives were ever first applied. To begin with that unhappy one of the 10th of May, in St. George's fields. What was the cause my L—d? An idle curiosity in the people to see an unhappy delinquent, who, they had been taught to believe, was suffering persecution in defence of their just rights and liberties. Although they were wrong, my L—d, they deserved at least our commiseration, and not so *severe* a punishment. I admit, that they ought not to have assembled together in so tumultuous a manner; I allow that it was an indispensable duty incumbent upon the magistrate to disperse them. I cannot, however, be persuaded, my L—d, that this salutary end was unattainable, but by powder and ball. Resolution, and judgment in the magistrate, I am rather of opinion, would have effected this necessary purpose. But he was pusillanimous, my L—d: unfit for the office, he was found unequal to the

the undertaking. Disconcerted by a few stones thrown by the rabble, his courage forsook him, and with his courage departed that coolness and discretion, which would have proved of most essential service at that critical juncture.

I mean no reflection whatever upon the moral character of that magistrate; I am very far, my L—d, from suspecting that he came thither with any bloody designs.—I have no other intention, by the introduction of that character to notice, than to evince to your G—ce, that this mob was by no means formidable to g—t, and might have been dispersed without the explosion of one single piece of musquetry. It is with the utmost reluctance, I most sincerely assure your G—ce, that I revive this subject which deserves indeed to be buried in an eternal oblivion. Would to God, my L—d, that the catastrophe of that day had convinced our rulers of the rashness of the proceeding! I should then have had no occasion of troubling you, my L—d, with my remarks upon that unfortunate subject.

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As to the tumults which happened amongst the coal-heavers, and the weavers in Spital-fields, they proceeded entirely from accidental differences between masters and men; g—t, therefore, had as little to apprehend from them. They were worthy, notwithstanding, of examination: if the journeymen were oppressed, as they complain'd, they were entitled to relief. It was the duty of g——t to see them relieved; that remedy obtained, their complaints and tumultuous assemblies, my L—d, would have been more effectually removed, than by the whole army of Great Britain.

And now, I must beg leave, seriously, to ask your G—ce, if in a time of public tranquillity in the nation, such idle riots were by any means worthy of so severe a chastisement, or if they were by any means adequate to that extreme necessity, which our ancestors thought the sole excuse for the introduction of the military power in aid of the civil. ?

Your G—ce perhaps might ask me, when is that necessity to be allowed? When mobs threaten

ten the subversion of the constitution, such have existed, my L—d, and such may perhaps some time or other be fatally experienced again. I will offer one example to your G—ce's consideration: the tumult, under Watt Tyler, in the minority of Richard the second, was composed of the lowest rank of people; within a very short time it was increased to one hundred thousand men: thus formidable, they seized, and ranfack'd the city, compelled the Tower to surrender, with a garrison of twelve thousand men, burnt houses, put to death many noblemen and gentlemen; and, finally, would have subverted the constitution but for the marvellous interposition of providence.

Such are the mobs, my L—d, from which g——t has cause to apprehend danger, and against which the necessity of a military aid will be ever admitted. But that armed troops are to be, at all times, under the direction of the civil m—te, and that their assistance is to be granted whenever required, at his mere will and caprice, is a proposition, I dare aver, consistent

sistent neither with the letter, nor spirit of the constitution.

And I will further add, that should the civil power lose its weight; should the necessity become apparent of calling in, upon every occasion, the aid of military force for preserving the public tranquillity, our constitution is subverted. You need only then, my L—d, adopt the following plan, and your G—— may be fixed for life. Establish barracks in every city or town-corporate of the kingdom; fill them with soldiers; appoint magistrates (for they are, in general, of the m——'s nomination) obsequious in their natures, upon whom your G—— can depend for the execution of your orders: issue out your edicts, that for the future the measures of g——t are not to be questioned; on the contrary, that they are to be supported by the civil authority, right, or wrong; if the people complain, punish them; if they resist, the military is at hand ready to obey the orders of that civil power, whose only measure of right will be the will and pleasure of your G——: and if hereafter a general sense of wrongs should

should rouse at any time the whole nation to any means of redress, the advantages of a numerous and well disciplined army are too obvious to be here descanted upon.

I shall now crave your G—'s attention to the other no less important object of public speculation: it would, but for form-sake, be unnecessary to add, that I allude, my L—d, to some late determinations upon the M—x election.

Harrassed as this subject has already been, that it is impossible, I believe, to add one single argument more in illustration of the true merits of the question, I shall only trouble your G— with a few general reflections upon the evil tendency, and fatal consequences, which prognosticate the ruin of the c——n.

How far this determination will be found to affect that independency in the separate branches of the legislature, which our ancestors were so zealous to maintain, is now a question more becoming the character of your G— to consider,

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than mere compliments of respect to the dignity of the H — of C——. I entertain no less reverence than your G— for that most august assembly ; and should feel no less than your G— for their dignity, whenever insulted by the obstinate return of an expelled m——r upon them, whose conduct or character rendered him unworthy a seat in their house. It is an evil, I own, for which I wish some remedy could be discovered, that might be safely administered. If not, my L—, it should certainly be submitted to, in preference to the many fatal consequences, which this power of controlling the elections of the people may produce, in the hands of any future wicked minister, supported by a venal or corrupt majority of a H—— of C——. In a kingdom so large and populous as this, various must be the complexions and propensities of men. In future conjunctures, under some future arbitrary minister, one, *who may have likewise an army at his devotion*, any forgeries may be admitted as facts ; any number of the most independant members may be accused of libels, and expelled the House at his pleasure, and in consequence of this very example rendered incapable of being replaced by
their

their constituents. With the people, therefore, who can enjoy neither place nor preferment, whose views are centered in those two grand objects, Liberty and Protection, this power should, as with the greatest security, be lodged. For though it may sometimes be attended with inconveniences, it will be found, *in their hands*, a great control upon the conduct of all ministers, to engage them to act within the limits of their authority.

Such are the obvious principles of our constitution, my L—, which I have understood to be the basis of all laws, precedents, or authorities whatever. To these important objects, therefore, should your G——'s attention be directed, and not to the merely internal regulations of that a——ly which are existing to-day, and gone to-morrow.——Your G——'s advocates however, for what purposes I shall forbear to name, have most studiously avoided every examination of the same. Their precedents to establish the right of expulsion in the H—— of C—— are manifestly introduced to elude the public scrutiny in-

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to the merits of the other question; as that right has never yet been made a case of doubt.

The power of expulsion in the H— of C— remains unquestionable. The necessity of such a power, my L—, is obvious to the meanest capacity, upon every principle of reason and justice. It is a power not only consistent with, but *aiding* the very rights of the electors; who, having no authority in themselves to annul ♦ their own choice, would, *but for this power*, in all cases, where their representatives had, after election, abused their trust, be left without remedy, until a new parliament. It is, in short, a power constituted for the security of the constituents against every temptation by which their delegates may be corrupted to betray their trust. The exercise of this power, therefore, to be just, must be confined to that grand object alone, the approbation of the electors, who have an unquestionable right to pass their final judgment upon their expelled member, and in consequence thereof to re-elect him or not, as they shall find just cause for the same. And surely, my L—, it is
strictly

strictly conformable to every idea of reason and equity, that men thus appointed, and trusted by the public with their lives and fortunes, should consider their constituents as parties equally concerned, at least, with themselves, and as such should make their interest the principal objects of their care. Acting, in a private capacity, against a man's trust, said the learned judge Holt, is a formal renunciation of that trust. Surely then the violation of trust, in a public character, merits at least an equal forfeiture of the power reposed.

Thus far, my L^d, justice and reason have happily concurred to establish, upon principles of expediency, the right of expulsion in the H—— of C—— without infringement upon the more important rights of election. Here then we ought to draw the line, beyond which I am bold to assert we cannot venture one single step, without infinite hazard to the constitution. For if the right of controlling the election of the people, which is but the next step, is thus vested in the H—— of C——, and is there to be finally determined at their mere will and pleasure,

sure, the people have lost their only armour of defence against any future tyranny and oppression. And would our ancestors, can your G—ce imagine, so jealous, as they have ever appeared to be, of every the least infringement upon their darling liberty, have granted such a latitude to discretionary power? No, my L—d, on the contrary, they have evinced a more than common vigilance, and caution, in all cases wherein the rights of election were in the least concerned: and for the truth of this assertion, I appeal to every law, or act of legislative power; wherein, I dare pronounce, will be discovered, in almost every line, the strongest marks of their great care to maintain inviolate the people's rights to a free and uninfluenced representation.

Such, I conceive, are the momentous objects of the public apprehensions, which deserve, at least, to be weighed, in the same scale, against every argument which has been advanced in justification of a measure altogether new, and unsupported by any example or precedent whatever. I say precedent, my L—d, notwithstanding
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ing the introduction of Mr. Walpole's case, which, I am bold to say, is defective in every point that materially affects the question: and the explanation of the meaning of that H—— of C——s, upon this case, is as void of reason, as it is destitute of probability.

If the H—— of C——s really meant nothing more by their rejection of Mr. Taylor, as well as Mr. Walpole, than a *mere warning* to the burgessees of Lynn, they manifestly made a scandalous sacrifice of their justice to a most idle compliment, by declaring that Mr. Taylor *was not duly elected*; who, agreeable to the principles laid down by your G——ce's advocates, was most assuredly duly elected: a suggestion fraught with the greatest calumny upon the wisdom, truth, and justice of that House. We may however indulge a supposition likewise, more reasonable and more consistent, in my opinion, with the propriety of their conduct: and this is; that they meant rather an *explanation* of their former resolutions, which, being too imperfectly drawn, were not understood by the burgessees of Lynn, in the full sense the House
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most probably meant to convey the same. They therefore intended rather an amendment, in order to deliver more clearly, to Mr. Walpole's constituents, their sentiments, not only of the heinousness of his crime, but of *the degree of punishment* likewise they thought deserving to attend it. At the same time, to convince the burgesses of Lynn, that they meant no infringement upon their just rights and freedom of election, they declared Mr. Taylor *not duly elected*; but vacate the election, in order to give the burgesses of Lynn an opportunity of re-considering their choice, with their commendatory judgment upon the same.

Thus far I have endeavoured to explain my free and candid sentiments upon these two grand constitutional questions—questions of the utmost moment, my L—d, to the future well-being of this government. If the independency of parliaments be essential to the preservation of our happy constitution, the freedom of parliamentary elections must be the most valuable, and sacred branch of the rights and privileges of Englishmen; as the freedom of election is the

the grand barrier of popular liberty, against every
incroachment of arbitrary power.

Such, my L—d, is the firm basis upon which every principle of our happy constitution is erected; it is the greatest bulwark of our liberties, which our provident ancestors have carefully established as the best, and indeed only permanent security against every innovation of tyranny, and oppression.

To this most important object, therefore, of the people's apprehensions, it is now become, not only necessary for the public peace, my L^d, but expedient on your G^{ce}'s own account, to bestow some share of serious attention. — Vain, *otherwise*, are the attempts of any pensioner upon g^{——}t, to mislead the judgment of the public, by cries of false alarm: vain are their endeavours to establish the propriety of this new doctrine upon mere usages of p^{——}t: they may quote precedent upon precedent, my L^{dd}, until the accumulative pile shall ascend to

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heaven;

heaven; they never can subvert this great constitutional truth; it ever will, my L--d, revert to its first fixed and immutable principles, which are the genuine offspring of all true liberty. By true liberty, my L--d, I mean that liberty which is totally sequestered from every idea of licentiousness. God knows, they are but too frequently connected together; nor can your G--ce, I fear, annihilate the one, without endangering the very existence of the other.

It is that liberty, my L—d, for which the people feel upon this present occasion, and which, they now apprehend, will be greatly affected by some late determinations; and, notwithstanding the contempt with which the people of late have been treated, their judgments are not to be trifled with, nor are their liberties to be infringed upon with impunity. They are, take my word for it, my L--d, the source of all power and jurisdiction, in the first establishment of our g——t; and although, for the preservation of their rights and properties, they have

have submitted, and are still willing to submit, to the expediency of magistracy, they never will acknowledge to have committed to their magistrates, an unlimited authority, to deprive them of those rights and liberties, as their caprices or unreasonable passions should direct.

For the prevention of such abuses, I understand, my L—, our ancestors thought it necessary to lodge a principal share of g——— *with the people themselves*, by granting them an equal participation of jurisdiction in our government, with the c——n and p—rs of the r—m; hence arose the very institution of the H—— of C——; the members of which, I am bold to aver, were appointed by the people, *as their deputies*, to act for them, being too numerous themselves to be convened together *.

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* In the support of this opinion, I shall take the liberty to observe, that, although the precise time that the C——s became a branch of the legislature remains undetermined, it
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To conclude, my Lord:—From the chronicles of all times your Grace may discover,

is nevertheless presumeable that they were not regularly admitted earlier than the reign of Henry III. as the first writ of summons, of any knights, citizens, and burgesses, now extant, is of no ancients date than *the forty-ninth of that king's reign*: whereas that learned judge and profound lawyer, Bracton, who, by a reasonable computation of time, must have lived near the days of *Richard I.* has delivered down to us, as the established maxim in his days, that whatever was then approved and determined,

First, By the consent of the great men;

Secondly, By the general agreement of the commonalty;

Thirdly, With the regal authority first obtained;

That had ever the force of a law.

This authority I mention, in order to evince the certainty of the people possessing and exercising the right of giving their assent to all laws, *in common with the king and great men of the realm*, prior to the regular establishment of the H— of C—. It serves likewise to corroborate the reason I have advanced, as the *fundamental cause* of the institution of that assembly; and which will fully justify my position, that they were nominated as the people's deputies.

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that extraordinary severities have never yet been known productive of salutary effects in this g——t: they may check the evil for a while, but take my word for it, my L——d, it will generally return with re-iterated violence, to render the effects, not only salutary, but permanent, the measures must be adapted to the complexion of the times, the genius of the people, and the *nature* of their constitution, It is unnecessary, my L——d, to seek for precedents to establish whatever is, in itself, constitutionally just and equitable; and should these advantages be ever wanting in your G—ce's favour, precedents will make little or no impression upon the minds of the people: they are sensible, my L——d, (nay they have seen but too much of late) that precedents, however just in their first establishment, may be easily changed from objects that *were highly proper*, to objects *that are totally improper*. In short, my L——d, the confidence of the people, in their governours, can never be restored, but by a change of measures; they must have a
 security

security for their future rights and liberties, by exprefs laws, fetting exprefs limits to the power of their rulers, circumscribing the measure of that power, as well as of their subjection, and restraining alike the exorbitance, both of the governors and governed.